IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1674 OF 2006
WITH
WRIT PETITION NO.1675 OF 2006
WITH
WRIT PETITION NO.1676 OF 2006
WITH
WRIT PETITION NO.1677 OF 2006

Liladhar Namdeo Chopade & Anr. ..Petitioners

Vs.

State of Maharashtra & Ors. ..Respondents

Mr.Nitin Pradhan i/b Ms.Shubhada Khot for the petitioners

Mrs.S.D.Shinde, A.P.P. for the state

**CORAM : J.N.PATEL &**
**SMT.ROSHAN S.DALVI, JJ.**

**DATED : 19TH OCTOBER, 2006**

P.C.:

1. Heard.

2. The petitioners have approached this court with a grievance that the prosecution pending

against him in Criminal Case No. 2250/PW/2005 arising out of Crime No.10 of 91 and three other cases i.e. 2251/PW/2005 to 2253/PW/2005 are not been taken up and tried by the court of Addl.Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai be quashed and set aside.

3. It is the case of the petitioners that the inordinate delay in the commencement of the trial is for the reason that the original record is missing and cannot be reconstructed. We therefore, called for status report of the court of Addl.Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai. This court has received a report from the learned Addl. Chief Metropolitan Magistrate which is dt.16.10.2006 in which it has been specifically mentioned that the records and proceedings in all four cases are available in the court and that the learned A.C.M.M. would hardly require 4 months time to dispose of these cases, provided that an A.P.P. is appointed to conduct these cases.

4. It is a very sorry state of affairs that the State has not been able to provide an A.P.P.

to conduct cases in the court of A.C.M.M. 9th Court, Bandra, Mumbai. We therefore, direct the State through its respective departments i.e. Law & Judiciary and Home Department to forthwith appoint the A.P.P. to conduct trial of these cases and that the trial should commence from the next date i.e. 22.11.2006.

5. In the facts and circumstances of the case, we do not find that this is a fit case that this court should quash and set aside the proceedings. We have already issued specific directions to the State Government and we expect that the learned A.P.P. would be appointed as directed, otherwise we will hold Principal Secretary, Law & Judiciary as well as Additional Secretary, Home Department personally accountable for not complying with our orders.

6. As assured by the learned A.C.M.M. we will highly appreciate that A.C.M.M. is able to dispose of these 4 cases within a period of 4 months i.e. from 22.11.2006. All the petitions stands dispose of accordingly.

. Registrar (Judicial) to forthwith communicate our orders to the Law & Judiciary and Home Department and also the A.C.M.M. 9th Court, Bandra, Mumbai.

**( SHRI J.N. PATEL, J )**

**( SMT.ROSHAN DALVI, J )**